

12-21-07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s): Esa Harma CONF. No.: 7550
SERIAL NO.: 09/881,452 ART UNIT: 2617
FILING DATE: 06/14/2001 EXAMINER: Iqbal, Khawar
TITLE: METHOD AND ARRANGEMENT FOR DISTRIBUTING,
EXECUTING AND CONSUMING RECREATIONAL
APPLICATIONS IN AND BETWEEN MOBILE
TELECOMMUNICATION DEVICES
ATTORNEY
DOCKET NO.: 297-010397-US (PAR)

Refund Section, Accounting Division, Office of Finance
Mail Stop 16
Director of the USPTO
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR REFUND TO DEPOSIT ACCOUNT

Sir:

Pursuant to 37 C.F. R. §1.26, Applicant, requests that the amount of \$500.00 be refunded to Deposit Account # 16-1350. Applicant requests that part of the charge listed below be refunded because it should not have been paid:

12/17/2007 fee code 1401, 37 CFR 41.20 (b)

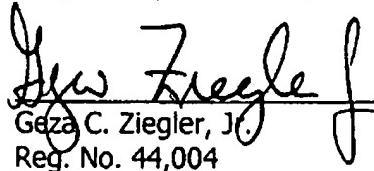
A copy of the Deposit Account statement is attached hereto.

The charge is erroneous and should not have been made. Applicant filed a second Notice of Appeal on December 17, 2007. The first Notice of Appeal had previously been

been paid at the time of filing the second Notice of Appeal on December 17.

Accordingly the amount of \$500.00 should be refunded to Deposit Account. 16-1350.

Respectfully submitted,



Geza C. Ziegler, Jr.
Reg. No. 44,004

21 Dec 2007
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited transmitted electronically, on the date indicated below, addressed to the Mail Stop 16, Refund Section, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 21 Dec. 2007

Signature: Frances J. Dray
Person Making Deposit



**United States
Patent and
Trademark Office**

Deposit Account Statement

Requested Statement Month: January 2007
Deposit Account Number: 161350
Name: PERMAN & GREEN
Attention: WILLIAM G. HOFFMAN
Address: 425 POST ROAD
City: FAIRFIELD
State: CT
Zip: 06430
Country: UNITED STATES

DATE	SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
01/03	1198	11248742	460-010723-US (D02)	1253	\$900.00	\$30,573.08
01/03	1199	11248742	460-010723-US (D02)	1801	\$790.00	\$29,783.08
01/03	1425	60882801	1040P0102759-US(#1)	2005	\$100.00	\$29,683.08
01/03	305	11617429	985-012757-US (PAR)	8021	\$40.00	\$29,643.08
01/03	365	5857833	486-006872-US (D03)	2552	\$1,150.00	\$28,493.08
01/03	366	5857833	486-006872-US (D03)	2555	\$65.00	\$28,428.08
01/03	40	11047534	770P012049-US (PAR)	1252	-\$330.00	\$28,758.08
01/04	1085	10022144	324-010673-US(PAR)	1401	\$500.00	\$28,258.08
01/04	7	9902193		1202	\$100.00	\$28,158.08
01/05	517	09882756	460-010381-US(PAR)	1202	\$50.00	\$28,108.08
01/05	718	108555848	939-011818-US (PAR)	1801	\$790.00	\$27,318.08
01/05	751	09928026	617-010487-US(PAR)	1453	\$1,500.00	\$25,818.08
01/05	752	09928026	617-010487-US(PAR)	1801	\$790.00	\$25,028.08
01/05	3215	09881452	297-010397-US(PAR)	1401	\$500.00	\$24,528.08
01/05	3341	11537696	684-012668-US (PAR)	1011	\$300.00	\$24,228.08
01/05	3346	11537696	684-012668-US (PAR)	1051	\$130.00	\$24,098.08
01/05	3342	11537696	684-012668-US (PAR)	1111	\$500.00	\$23,598.08
01/05	3343	11537696	684-012668-US (PAR)	1311	\$200.00	\$23,398.08
01/05	3345	11537696	684-012668-US (PAR)	1201	\$400.00	\$22,998.08
01/05	3344	11537696	684-012668-US (PAR)	1202	\$750.00	\$22,248.08
01/05	695	11537696	684-012668-US (PAR)	8021	\$40.00	\$22,208.08
01/05	3535	09918100	460-010468-US(PAR)	1814	\$130.00	\$22,078.08
01/05	3680	09766035	460-010108-US(PAR)	1801	\$790.00	\$21,288.08
01/08	930	10033451	460-010813-US(PAR)	1402	\$500.00	\$20,788.08
01/08	12	11610268	943P012717-US (PAR)	2202	\$25.00	\$20,763.08
01/08	528	11617950	985-012758-US (PAR)	8021	\$40.00	\$20,723.08

Deposit Account Statement

01/08 3885 11055774	858-009953-US (C01)	1252	\$450.00	\$20,273.08
01/09 475 09954602	324-010512-US(PAR)	1253	\$1,020.00	\$19,253.08
01/09 476 09954602	324-010512-US(PAR)	1401	\$500.00	\$18,753.08
01/09 9 E- REPLENISHMENT		9203	\$23,200.00	\$41,953.08
01/09 58 11485145	390P012320-US(PAR)	1051	\$130.00	\$41,823.08
01/09 59 11485145	390P012320-US(PAR)	1253	\$1,020.00	\$40,803.08
01/09 5 10628980	390-011420-US(PAR)	1251	\$120.00	\$40,683.08
01/09 441 5235771	879-011248-US(STU)	8021	\$40.00	\$40,643.08
01/10 1 09766035	460-010108-US(PAR)	1252	\$450.00	\$40,193.08
01/10 2 10692273	297-008681-US (REI)	1252	\$450.00	\$39,743.08
01/11 537 11146196	460-010109-US (D01)	1252	\$450.00	\$39,293.08
01/11 20 11485145	390P012320-US(PAR)	8021	\$40.00	\$39,253.08
01/12 3660 10690934	941-011558-US (PAR)	1501	\$1,400.00	\$37,853.08
01/12 3661 10690934	941-011558-US (PAR)	1504	\$300.00	\$37,553.08
01/12 3676 10500595	860-011856-US (PAR)/200102	1253	\$1,020.00	\$36,533.08
01/12 3677 10500595	860-011856-US (PAR)/200102	1401	\$500.00	\$36,033.08
01/12 3686 09742705	460-009952-US(PAR)	1253	\$1,020.00	\$35,013.08
01/12 3731 10858460	871-011824-US (PAR)/300402	1501	\$1,400.00	\$33,613.08
01/12 3732 10858460	871-011824-US (PAR)/300402	1504	\$300.00	\$33,313.08
01/12 3794 10576233	785-012537-US (PAR)	1051	\$130.00	\$33,183.08
01/16 10 10576233	785-012537-US (PAR)	8021	\$40.00	\$33,143.08
01/16 3593 10788427	684-011708-US (PAR)	1801	\$790.00	\$32,353.08
01/16 73 09942382	460-010523-US (PAR)	1253	-\$1,020.00	\$33,373.08
01/16 74 09942382	460-010523-US (PAR)	1253	\$900.00	\$32,473.08
01/16 1 10935983	785-011948-US (PAR)	1202	\$150.00	\$32,323.08
01/16 5338 11551766	684-012642-US (PAR)	1011	\$300.00	\$32,023.08
01/16 5342 11551766	684-012642-US (PAR)	1051	\$130.00	\$31,893.08
01/16 5339 11551766	684-012642-US (PAR)	1111	\$500.00	\$31,393.08
01/16 5340 11551766	684-012642-US (PAR)	1311	\$200.00	\$31,193.08
01/16 5341 11551766	684-012642-US (PAR)	1202	\$350.00	\$30,843.08
01/16 5446 11551782	684-012670-US (PAR)	1011	\$300.00	\$30,543.08
01/16 5448 11551782	684-012670-US (PAR)	1311	\$200.00	\$30,343.08
01/16 5450 11551782	684-012670-US (PAR)	1051	\$130.00	\$30,213.08
01/16 5449 11551782	684-012670-US (PAR)	1202	\$800.00	\$29,413.08
01/16 5447 11551782	684-012670-US (PAR)	1111	\$500.00	\$28,913.08
01/16 5546 11552365	893-012702-US (PAR)	1011	\$300.00	\$28,613.08
01/16 5548 11552365	893-012702-US (PAR)	1311	\$200.00	\$28,413.08
01/16 5550 11552365	893-012702-US (PAR)	1051	\$130.00	\$28,283.08
01/16 5549 11552365	893-012702-US (PAR)	1201	\$200.00	\$28,083.08
01/16 5547 11552365	893-012702-US (PAR)	1111	\$500.00	\$27,583.08
01/16 5630 11552348	893-012701-US (PAR)	1011	\$300.00	\$27,283.08
01/16 5633 11552348	893-012701-US (PAR)	1051	\$130.00	\$27,153.08
01/16 5631 11552348	893-012701-US (PAR)	1111	\$500.00	\$26,653.08
01/16 5632 11552348	893-012701-US (PAR)	1311	\$200.00	\$26,453.08

Deposit Account Statement

01/16 2	10935983	785-011948-US (PAR)	1253	\$1,020.00	\$25,433.08
01/16 966	11552348	893-012701-US (PAR)	8021	\$40.00	\$25,393.08
01/17 7	11552365	893-012702-US (PAR)	8021	\$40.00	\$25,353.08
01/17 29	11551782	684-012670-US (PAR)	8021	\$40.00	\$25,313.08
01/17 44	11551766	684-012642-US (PAR)	8021	\$40.00	\$25,273.08
01/17 354	10451043	886-011344-US(PAR)	1615	\$50.00	\$25,223.08
01/17 355	10451043	886-011344-US(PAR)	1251	\$120.00	\$25,103.08
01/17 3343	10498260	941-011833-US (PAR)	1252	\$450.00	\$24,653.08
01/17 3344	10498260	941-011833-US (PAR)	1402	\$500.00	\$24,153.08
01/18 782	10081294	460-010837-US(PAR)	1253	\$1,020.00	\$23,133.08
01/18 783	10081294	460-010837-US(PAR)	1801	\$790.00	\$22,343.08
01/18 1019	10960401	446-011623-US (PAR)	1801	\$790.00	\$21,553.08
01/18 1162	11536344	941-011558-US (C01)	1011	\$300.00	\$21,253.08
01/18 1163	11536344	941-011558-US (C01)	1111	\$500.00	\$20,753.08
01/18 1164	11536344	941-011558-US (C01)	1311	\$200.00	\$20,553.08
01/18 1165	11536344	941-011558-US (C01)	1202	\$1,000.00	\$19,553.08
01/18 1166	11536344	941-011558-US (C01)	1201	\$800.00	\$18,753.08
01/18 1167	11536344	941-011558-US (C01)	1051	\$130.00	\$18,623.08
01/18 1168	11536344	941-011558-US (C01)	1251	\$120.00	\$18,503.08
01/18 2446	78680405	1009-002552-US(-TM)	7004	\$150.00	\$18,353.08
01/19 500	10898500	945-011886-US (PAR)	1501	\$1,400.00	\$16,953.08
01/19 501	10898500	945-011886-US (PAR)	1504	\$300.00	\$16,653.08
01/19 575	10502081	893-011876-US (PAR)	1801	\$790.00	\$15,863.08
01/19 585	10021954	324-010672-US(PAR)	1801	\$790.00	\$15,073.08
01/19 1	10074411	390P010777-US (PAR)	1253	\$1,020.00	\$14,053.08
01/19 3	10074411	390P010777-US (PAR)	1201	\$200.00	\$13,853.08
01/19 2	10074411	390P010777-US (PAR)	1202	\$650.00	\$13,203.08
01/19 46	E- REPLENISHMENT		9203	\$30,000.00	\$43,203.08
01/22 234	10339150	MCT-0202	1253	\$1,020.00	\$42,183.08
01/22 1086	11471964	982-008830-US (C02)	1011	\$300.00	\$41,883.08
01/22 1087	11471964	982-008830-US (C02)	1111	\$500.00	\$41,383.08
01/22 1088	11471964	982-008830-US (C02)	1311	\$200.00	\$41,183.08
01/22 1089	11471964	982-008830-US (C02)	1202	\$1,400.00	\$39,783.08
01/22 1090	11471964	982-008830-US (C02)	1201	\$1,400.00	\$38,383.08
01/22 1091	11471964	982-008830-US (C02)	1051	\$130.00	\$38,253.08
01/22 1092	11471964	982-008830-US (C02)	1254	\$1,590.00	\$36,663.08
01/22 1131	10950891	785-011977-US (C01)	1806	\$180.00	\$36,483.08
01/22 1249	60885779	1059P012731-US (-#1)	2005	\$100.00	\$36,383.08
01/22 3603	10122974	324-010927-US(PAR)	1401	\$500.00	\$35,883.08
01/22 3859	11554911	893-012704-US (PAR)	1011	\$300.00	\$35,583.08
01/22 3860	11554911	893-012704-US (PAR)	1111	\$500.00	\$35,083.08
01/22 3861	11554911	893-012704-US (PAR)	1311	\$200.00	\$34,883.08
01/22 3862	11554911	893-012704-US (PAR)	1051	\$130.00	\$34,753.08
01/22 3887	11539653	893 (21028429)	1011	\$300.00	\$34,453.08
01/22 3890	11539653	893 (21028429)	1202	\$900.00	\$33,553.08
01/22 3892	11539653	893 (21028429)	1051	\$130.00	\$33,423.08
01/22 3891	11539653	893 (21028429)	1201	\$200.00	\$33,223.08

Deposit Account Statement

01/22 3889 11539653	893 (21028429)	1311	\$200.00	\$33,023.08
01/22 3888 11539653	893 (21028429)	1111	\$500.00	\$32,523.08
01/22 3924 11555487	893-012707-US (PER)	1011	\$300.00	\$32,223.08
01/22 3925 11555487	893-012707-US (PER)	1111	\$500.00	\$31,723.08
01/22 3927 11555487	893-012707-US (PER)	1051	\$130.00	\$31,593.08
01/22 3928 11555487	893-012707-US (PER)	1311	\$200.00	\$31,393.08
01/22 3952 11559701	886-012720-US (PAR)	1011	\$300.00	\$31,093.08
01/22 3954 11559701	886-012720-US (PAR)	1311	\$200.00	\$30,893.08
01/22 3956 11559701	886-012720-US (PAR)	1053	\$130.00	\$30,763.08
01/22 3957 11559701	886-012720-US (PAR)	1051	\$130.00	\$30,633.08
01/22 3855 11559701	886-012720-US (PAR)	1202	\$1,450.00	\$29,183.08
01/22 3953 11559701	886-012720-US (PAR)	1111	\$500.00	\$28,683.08
01/22 725 11559701	886-012720-US (PAR)	8021	\$40.00	\$28,643.08
01/22 4162 10485917	860-011674-US (PAR)	1251	\$120.00	\$28,523.08
01/22 4163 10485917	860-011674-US (PAR)	1801	\$790.00	\$27,733.08
01/22 754 11555487	893-012707-US (PAR)	8021	\$40.00	\$27,693.08
01/22 769 11539653	893-012689-US (PAR)	8021	\$40.00	\$27,653.08
01/23 7 11554911	893-012704-US (PAR)	8021	\$40.00	\$27,613.08
01/23 63 10334191	528-008608-US(PAR)/SL-050	1801	\$790.00	\$26,823.08
01/23 19 10832203	251614-1060	2251	-\$60.00	\$26,883.08
01/23 20 10832205	785-011780-US (C01)	2251	\$60.00	\$26,823.08
01/24 3 09897004	442-010460-US(PAR)	1201	\$430.00	\$26,393.08
01/24 3552 10848286	939-011809-US (PAR)	1253	\$1,020.00	\$25,373.08
01/24 3553 10848286	939-011809-US (PAR)	1801	\$790.00	\$24,583.08
01/25 981 09897004	442-010460-US(PAR)	1202	\$800.00	\$23,783.08
01/25 982 09897004	442-010460-US(PAR)	1201	\$800.00	\$22,983.08
01/25 1883 11045545	390-012188-US(PAR)	1253	\$1,020.00	\$21,963.08
01/25 10 10154152	OID-2001-248-01 835-10187	1251	\$120.00	\$21,843.08
01/25 15 11197252	20031342-02	1401	\$500.00	\$21,343.08
01/25 3030 10964408	938P011450-US (PAR)	1811	\$100.00	\$21,243.08
01/25 3054 10226907	390P010259-US(PAR)	1501	\$1,400.00	\$19,843.08
01/25 3055 10226907	390P010259-US(PAR)	1504	\$300.00	\$19,543.08
01/26 678 09856746	297-010346-U	1252	\$450.00	\$19,093.08
01/26 679 09856746	297-010346-U	1402	\$500.00	\$18,593.08
01/26 31 10154152	OID-2001-248-01 835-10187	1202	\$300.00	\$18,293.08
01/26 1913 11627280	30040577-02	1011	\$300.00	\$17,993.08
01/26 1914 11627280	30040577-02	1111	\$500.00	\$17,493.08
01/26 1915 11627280	30040577-02	1311	\$200.00	\$17,293.08
01/26 12 10582432	785-012585-US (PAR)	1633	\$200.00	\$17,093.08
01/26 13 10582432	785-012585-US (PAR)	1642	\$400.00	\$16,693.08
01/29 567 11561171	694-012724-US (PAR)	1011	\$300.00	\$16,393.08
01/29 569 11561171	694-012724-US (PAR)	1311	\$200.00	\$16,193.08
01/29 568 11561171	694-012724-US (PAR)	1111	\$500.00	\$15,693.08
01/29 571 11561171	694-012724-US (PAR)	1051	\$130.00	\$15,563.08
01/29 570 11561171	694-012724-US (PAR)	1053	\$130.00	\$15,433.08
01/29 612 09248603	460-008496-U	1202	\$650.00	\$14,783.08
01/29 613 09248603	460-008496-U	1253	\$570.00	\$14,213.08

Deposit Account Statement

01/29 614 09248603	460-008496-U	1801	\$790.00	\$13,423.08
01/29 1221 10196679	390P009911-US(PAR)	1253	\$1,020.00	\$12,403.08
01/29 72 E- REPLENISHMENT		9203	\$15,980.00	\$28,383.08
01/30 1052 09742705	460-009952-US(PAR)	1801	\$790.00	\$27,593.08
01/30 1122 10157430	810-010994-US(PAR)	1202	\$1,500.00	\$26,093.08
01/30 1123 10157430	810-010994-US(PAR)	1201	\$400.00	\$25,693.08
01/30 1452 09732961	460-009991-US(PAR)	1801	\$790.00	\$24,903.08
01/30 1501 09732961	460-009991-US(PAR)	1252	\$330.00	\$24,573.08
01/30 1667 10407289	297-007977-US (C01)	1202	\$400.00	\$24,173.08
01/30 1668 10407289	297-007977-US (C01)	1201	\$1,600.00	\$22,573.08
01/30 1669 10407289	297-007977-US (C01)	1253	\$1,020.00	\$21,553.08
01/30 44 10628294	390-011422-US(EQV)	1253	\$1,020.00	\$20,533.08
01/30 45 10628294	390-011422-US(EQV)	1814	\$130.00	\$20,403.08
01/30 1 11197252	20031342-02	1252	\$450.00	\$19,953.08
01/30 1897 1992727	252001424US(T1)	7205	\$100.00	\$19,853.08
01/30 1898 1992727	252001424US(T1)	7201	\$400.00	\$19,453.08
01/30 1899 1992727	252001424US(T1)	7206	\$100.00	\$19,353.08
01/30 1900 1992727	252001424US(T1)	7203	\$100.00	\$19,253.08
01/31 4684 09744612	617-010120-US	1615	\$100.00	\$19,153.08
START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE	
\$31,473.08	\$82,910.00		\$70,590.00	\$19,153.08

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DETAILED ACTION

Reopening of Prosecution-New ground of Rejection After Appeal

In view of the appeal Brief filed on 7/9/2007, PROSECUTION IS HEREBY REOPENED. The rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Electronic Patent Application Fee Transmittal

Application Number:	09881452			
Filing Date:	14-Jun-2001			
Title of Invention:	Method and arrangement for distributing, executing and consuming recreational applications in and between mobile telecommunication devices			
First Named Inventor/Applicant Name:	Esa Harma			
Filer:	GEZA C ZIEGLER JR/Lisa Shimizu			
Attorney Docket Number:	297-010397-US(PAR)			
Filed as Large Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	HDE31A1 09881450 161450	1401	1	500
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Adjustment date: 01/03/2008 INTEFSW 500.00 CR
01/05/2007 INTEFSW 500.00 CR
01 FC:1401